

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Richmond Division

JAMES FORTUNE,

Plaintiff,

v.

JACKTHREADS INC.,

Defendant.

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Civil Action No. 3:18-CV-00859

**AFFIDAVIT OF JAMES FORTUNE IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT JUDGMENT**

The undersigned, being first duly sworn, deposes and says:

1. I, James Fortune, being legally competent and over the age of twenty-one (21) declare as follows.

2. I am a professional photographer and have for decades specialized in taking, collecting, and marketing photographs of famous persons in the entertainment business, among other things, including but not limited to famous musicians. My photographs are of great value and have been registered with the United States Copyright Office.

3. I started working as a photographer in the mid-to-late 1960's while attending college at Woodland Hills, California as a photo editor for the college newspaper. At that time, I sought out record labels for access to take photographs of musicians. Elektra Records agreed and I was granted access to the recording room to photograph The Doors. This college experience would help launch my career as a professional photographer in the music field.

4. From 1968 through 1970, I served in active duty as a photographer in the Pacific, including Vietnam, with the U.S. Navy Pacific Fleet Combat Camera Group. Upon concluding

my service in the Navy, I returned to California to further pursue my trade. Over the next decades, I photographed some of the most iconic musicians and bands in history, including but not limited to Led Zeppelin, Paul McCartney, The Rolling Stones, Elton John, Fleetwood Mac, The Doors, The Bee Gees, Glenn Fry, The Eagles and many others.

5. I have also photographed Presidents including Gerald Ford and Jimmy Carter. My photography catalog includes over 15,000 photographs from the 1960s and 1970s. I have received many accolades, including presenting his photographs at The Rock Art Show and being featured on CNN, Entertainment Tonight, E! and in the Washington Post.

6. It came to my attention that a reproduction of his copyrighted Ringo Starr, Mick Jagger, and Jimmy Page works ("Infringed Works") were advertised as being up for sale on https://milled.com/JackThreads/good-wood-rock-icon-canvas-prints-ben-sherman-ties-man-essentials-by-wilouby-new--JIj_88FZMOnFj8wW in violation of my intellectual property rights for the purposes of profit.

7. I registered these photographs with the United States Copyright Office on November 4, 1999, complying in all respects with the registration and deposit requirements of the Copyright Act of 1976, as amended. The Infringed Works are covered by Certificate of Registration VAu 477-427.

8. I receive a royalty of at least \$300.00 per work when I grant general licenses. However, JackThreads marketed my photographs for profit on a website that sells products nationally and, perhaps, internationally. Had they sought a license agreement with me for this type of use I would have charged a much higher royalty as their use would have generated significant income. A reasonable royalty for this type of use would be \$3,000.00.

Further the Affiant sayeth not.



James Fortune

SUBSCRIBED and SWORN to before me by James Fortune this the 26 day of June,
2020.



NOTARY PUBLIC

My Commission Expires: 5/31/2023

Notary #: 7844236

